

23.13 How does the Department issue guidance, interpretations, exemptions, and waivers pertaining to this part?

#### Subpart B—ACDBE programs

- 23.21 Who must submit an ACDBE program to FAA, and when?
- 23.23 What administrative provisions must be in a recipient's ACDBE program?
- 23.25 What measures must recipients include in their ACDBE programs to ensure nondiscriminatory participation of ACDBEs in concessions?
- 23.27 What information does a recipient have to retain and report about implementation of its ACDBE program?
- 23.29 What monitoring and compliance procedures must recipients follow?

#### Subpart C—Certification of ACDBEs

- 23.31 What certification standards and procedures do recipients use to certify ACDBEs?
- 23.33 What size standards do recipients use to determine the eligibility of ACDBEs?
- 23.35 What is the personal net worth standard for disadvantaged owners of ACDBEs?
- 23.37 Are firms certified under 49 CFR part 26 eligible to participate as ACDBEs?
- 23.39 What other certification requirements apply in the case of ACDBEs?

#### Subpart D—Goals, Good Faith Efforts, and Counting

- 23.41 What is the basic overall goal requirement for recipients?
- 23.43 What are the consultation requirements in the development of recipients' overall goals?
- 23.45 What are the requirements for submitting overall goal information to the FAA?
- 23.47 What is the base for a recipient's goals for concessions other than car rentals?
- 23.49 What is the base for a recipient's goals for car rentals?
- 23.51 How are a recipient's overall goals expressed and calculated?
- 23.53 How do car rental companies count ACDBE participation toward their goals?
- 23.55 How do recipients count ACDBE participation toward goals for items other than car rentals?
- 23.57 What happens if a recipient falls short of meeting its overall goals?
- 23.59 What is the role of the statutory 10 percent goal in the ACDBE program?
- 23.61 Can recipients use quotas or set-asides as part of their ACDBE programs?

#### Subpart E—Other Provisions

- 23.71 Does a recipient have to change existing concession agreements?

23.73 What requirements apply to privately-owned or leased terminal buildings?

23.75 Can recipients enter into long-term, exclusive agreements with concessionaires?

23.77 Does this part preempt local requirements?

23.79 Does this part permit recipients to use local geographic preferences?

#### APPENDIX A TO PART 23—UNIFORM REPORT OF ACDBE PARTICIPATION

AUTHORITY: 49 U.S.C. 47107; 42 U.S.C. 2000d; 49 U.S.C. 322; Executive Order 12138.

SOURCE: 70 FR 14508, Mar. 22, 2005, unless otherwise noted.

### Subpart A—General

#### § 23.1 What are the objectives of this part?

This part seeks to achieve several objectives:

- (a) To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
- (b) To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
- (c) To ensure that the Department's ACDBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs;
- (e) To help remove barriers to the participation of ACDBEs in opportunities for concessions at airports receiving DOT financial assistance; and
- (f) To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs.

#### § 23.3 What do the terms used in this part mean?

*Administrator* means the Administrator of the Federal Aviation Administration (FAA).

*Affiliation* has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121, except that the provisions of SBA regulations concerning affiliation in the context of joint ventures (13 CFR § 121.103(f)) do not apply to this part.

- (1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of